

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

BRANDI C. MCGINN

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Case No: 2:06-cr-241-CSC

UNITED STATES' REQUESTED VOIR DIRE QUESTIONS

Comes now the United States of America, by and through REESE H. HAYS III, United States Attorney for the Middle District of Alabama, and requests this Court to propound the attached questions to the jury venire in this case.

Respectfully submitted this the 29th day of December, 2006.

s/Reese H. Hays III
REESE H. HAYS III
Special Assistant United States Attorney
42 ABW/JA
50 LeMay Plaza South
Maxwell AFB, Alabama 36112-6334
(334) 953-2786/2789

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REQUESTED VOIR DIRE

1. Please state your name, marital status, children (sex and age), educational background (if college graduate, state major area of study), occupation, occupation of spouse, occupation of children if they are adults, military background (rank, branch of service, specialty), city and area of the city in which you live.

2. Has any member of the panel, or a relative or close friend, ever had any dealings with the Office of the United States Attorney, the Department of Justice, any local office of the District Attorney, the Security Police at either Maxwell Air Force Base or Gunter Annex, or any other office in the United States Government?

If so, please describe the involvement. Was it pleasant or unpleasant?

3. Has any member of the panel, or a relative or close friend, ever been employed by a law firm or other organization which participates in the defense of criminal cases?

If so, please state their names, the type of law they practice, and the location of their practice.

If a relative was or is so employed, do you often discuss their jobs with them?

4. Has any member of the panel ever been a juror in a criminal case before?

If so, what type of case and what was the outcome?

5. Does any member of the panel know the defendant or any member of his family or any friends of his on either a personal, business, or professional basis?

If so, who and in what capacity?

If so, are you able to put aside feelings resulting from such knowledge, regardless of whether they are favorable or unfavorable to him, or to any member of his family or friend of his, and decide this case solely upon the evidence?

6. Do you or any of your friends or relatives know any of the attorneys in this case? If so, who and how?

7. Do you know any other member of the jury panel? If so, who and how?

8. Does any member of the panel belong to any professional, educational, religious, social, or other organization in which you know the defendant, members of the defendant's family, or close friends of the defendant to be a member?

If so, what is the organization and whom do you know to be a member?

9. Do any of you have any feelings, whether they may be moral, religious, philosophical, or otherwise, that would prevent you from being a fair and impartial juror in this case or that would prevent you from sitting in judgment on your fellow citizen?

10. Has anyone ever had an unpleasant experience involving law enforcement?

11. Have you or any of your friends or relatives ever had any unfavorable association or dealings with the United States Government?

If so, please elaborate.

12. Have any of you ever been stopped by the police or by a store employee/detective while shopping? Were you treated fairly?

13. Have any of you ever been stopped by the police or by a store employee/detective because you were suspected of shoplifting or theft?

Were you treated fairly?

14. Has anyone, or anyone's friend or relative, ever been arrested or convicted for any crime?

If so, when and for what? By virtue of your experience, will you be able to be entirely impartial to both the prosecution and the defense in this case?

15. Does any member of the panel believe that there is no victim involved when merchandise is stolen from a store?

16. Do any of you have any physical or mental disability which will interfere with your service as a juror, or will prevent you from reading the documents that are introduced into evidence or from hearing the testimony that will come from the witness chair over there?

17. Are any of you currently taking medication of any kind that in any way may affect your attention or your ability to understand, consider, or weigh the evidence in this particular case?

18. To admit to having some sympathy for either the defendant or the government in this case is nothing to be ashamed of and does not reflect badly upon you as a person. However, both the government and the defendant are entitled to have this case heard by a fair and impartial jury that will decide the case solely according to the evidence admitted in this Court and according to the Court's instructions on the law. The law provides that the jury may not be governed by sympathy, prejudice, or public opinion. With this in mind, do any of you have any reason why you would be unable to give either the government or the defendant a fair trial based solely upon the evidence admitted at the trial and the instructions given by the Court?

19. Do all of you realize that as a juror, in your deliberations as to guilt, you must not consider any possible punishment?

20. The defendant may introduce evidence concerning his good character. Do any of you believe that a person with a good reputation could not commit a crime?

21. Can all of you decide this case solely on the evidence presented in this courtroom, applying the law as given to you by the Court, and decide it without (a) bias, (b) prejudice, and (c) sympathy? If not, please stand.

22. Do each and every one of you understand that, during the course of the trial, an attorney is not permitted to speak to the jurors; and, therefore, if you see an attorney in the hall or on the street, you should not hold it against the attorney if he or she does not acknowledge you or speak to you?

23. Is there any reason why any of you would be unable to reach a fair and impartial verdict based solely upon the evidence submitted during the trial and the instructions which the judge gives you?

Respectfully submitted,

s/Reese H. Hays III
REESE H. HAYS III
Special Assistant United States Attorney
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CERTIFICATE OF SERVICE

UNITED STATES v. BRANDI C. MCGINN

I hereby certify that on December 29, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to RUSSELL T. DURASKI, attorney for the defendant, 6332 Woodmere Blvd., Montgomery, Alabama, 36117.

/s Reese H. Hays III
REESE H.HAYS III
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